

RESOLUTION OF THE
VALENCIA HOMEOWNERS ASSOCIATION, INC.

WHEREAS, a meeting of the Board of Directors for the Valencia Homeowners Association, Inc. (the "Association") was properly called and held; and

WHEREAS, the Board of Directors discussed and agreed that there is a need to adopt rules and regulation regarding fireworks use withing the Association; and

WHEREAS, pursuant to Article II, Section (g) and Article VIII, Section 1(m) of the Primary Dedication, Declaration, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and as Part of the Dedication and Plat of each Section of Valencia, (herein referred to collectively as the "Restrictive Covenants"), the Board of Directors has the authority to adopt reasonable rules and regulations relating to the use of property and common areas; and

WHEREAS, the Board of Directors, having reviewed the Fort Wayne City Ordinance §§94.101, 96.02, 96.20 and 96.99, governing use of consumer fireworks, and after discussion and in consultation with an attorney, hereafter adopts rules based in significant part on the Fort Wayne Ordinance and with the intent to promote the health, safety, welfare, prosperity, and comfort within the Association; and

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Directors, pursuant to the authority granted within the Restrictive Covenants, hereby adopt the following rules and regulations regarding fireworks use within the Association:

Valencia Regulations on Fireworks Use:

No Owner, resident, or guest of any Owner or resident, shall use, ignite or discharge or permit to be used, ignited or discharged upon their Lot, the Properties, and/or the Common Area located within the Association, any type of consumer fireworks on any other day or time other than the following:

(A) June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, July 9 between the hours of 5:00 p.m. to two hours after sunset;

(B) Day before Memorial Day, Memorial Day, July 4, day before Labor Day and Labor Day between the hours of 10:00 a.m. and 12:00 midnight;

(C) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1;

(D) No other date or time is permitted for use of consumer fireworks.

Consumer fireworks shall be defined as a small firework that is designed primarily to produce visible or audible effects by combustion and that is required to comply with the construction, chemical composition, and labeling requirements promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. Propelling and expelling charges consisting of a mixture of charcoal sulfur and potassium nitrate are not considered to be designed to produce an audible effect. These include:

(1) Aerial devices, which include, but are not limited to, sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines and shells;

(2) Ground audible devices, which include, but are not limited to, firecrackers, salutes and chasers; and,

(3) Firework devices containing combinations of the effects described in divisions (1) and (2) above.

Excluded from this definition are: (1) Dipped sticks or wire sparklers. (2) Cylindrical fountains; (3) Cone fountains; (4) Illuminating torches; (5) Wheels; (6) Ground spinners; (7) Flitter sparklers; (8) Snakes or glow worms; (9) Smoke devices; (10) Trick noisemakers that include party poppers, booby traps, snappers, trick matches, cigarette loads and auto burglar alarms.

At no time shall consumer fireworks be used, ignited or discharged or permit to be used, ignited or discharged upon the Common Areas located within the Association.

At no time shall professional pyrotechnics and/or professional fireworks be used, ignited or discharged or permit to be used, ignited or discharged within the Association. This includes any firework that contains explosive composition in excess of the amount defined under *consumer fireworks*.

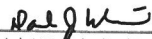
No person shall release or cause to be released a sky lantern/open flame aerial device within the Association.

The sole intent of the provisions of this section is to secure and promote the health, safety, welfare, prosperity, comfort, and repose of persons in this Association by reducing unreasonable noise. Any Owner or resident found in violation of this provision of this Regulation will be subject to a fine of One Hundred and Fifty Dollars (\$150.00) per violation. Said fine will attach to the Owner(s) Lot and shall be collectible and subject to the same collection costs (including reasonable attorney fees) recoverable under Article VI of the Restrictive Covenants.

This policy Approved by the Association Board of Directors on June 1st, 2021.

Valencia Homeowners Association, Inc.


Board of Directors


Daniel J Wunderlin (May 26, 2021 15:42 EDT)

By: Dan Wunderlin


Karl A. Frincke (May 26, 2021 22:13 EDT)


By: Karl Frinke


John Lorenzen (May 27, 2021 08:11 EDT)


By: John Lorenzen


Brock Dutton (May 27, 2021 08:15 EDT)


By: Brock Dutton


Jeanetta Harris (May 27, 2021 10:00 EDT)

By: Jeanetta Harris

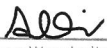

Rob Smith (May 30, 2021 17:28 EDT)

By: Rob Smith


Titus Zimmermann (May 30, 2021 18:09 EDT)

By: Titus Zimmermann

Agreed and Attested to:


Arlene Wunderlin (May 31, 2021 20:02 EDT)

Arlene Wunderlin, Secretary